

**United States Department of the Interior
Bureau of Land Management
California Desert District**

Record of Decision

for the

**Soledad Canyon Sand and Gravel Mining Project
Los Angeles County, California**

Prepared by:

**United States Department of the Interior
Bureau of Land Management
California State Office
California Desert District
Palm Springs-South Coast Field Office**

**BLM Case File No. CA-22901 and CA-20139
OEPC #DES-99-13 and #DES-99-57
OEPC #FES-00-18**

Approved by:

**Tim Salt, District Manager
California Desert District**

AUG 01 2000

Date

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EXECUTIVE SUMMARY

This document, prepared by the U.S. Department of the Interior Bureau of Land Management (BLM), is the Record of Decision (ROD) for the Soledad Canyon Sand and Gravel Mining Project. This ROD is prepared in accordance with the National Environmental Policy Act (NEPA) and Title 40 of the Code of Federal Regulations Parts 1505 and 1506.

It is BLM's decision to approve the Reduced North Fines Storage Area (NFSA) alternative with additional environmental modifications as described further in this ROD and in the Final Environmental Impact Statement (FEIS) published by BLM on June 2, 2000.

This decision directs the manner in which the Transit Mixed Concrete Company (TMC) is authorized to extract a total of 78 million tons of material and to produce and sell approximately 56.1 million tons of sand and gravel in the Soledad Canyon area of northeastern Los Angeles County, California over a 20-year period in conformance with Federal contracts issued by BLM to TMC in 1990. TMC will operate a concrete batch plant to produce and deliver ready-mixed concrete to satisfy the substantial demand for these resources in the greater Los Angeles market area. A map is attached for reference (Figure 1).

As a condition of approval, TMC is required to comply with the mitigation measures specified in Appendix A of this ROD; the provisions of the mining reclamation plan as described in the FEIS; and the bonding requirements also specified in this ROD. In addition, TMC must consult with and obtain approvals from the regulatory agencies listed in Table 1 of this ROD, and any other permits or authorizations required by law. These agencies may require additional environmental analyses and additional mitigation measures before granting any permits.

Without permitting of new or expanded aggregate mining operations, the California Department of Mines and Geology (CDMG) predicts available sources of aggregate reserves in the San Fernando Valley will be depleted by 2001, and Los Angeles County's aggregate reserves will be depleted by the year 2016. Authorizing the project as approved will help meet growing demand for aggregate in the local area and region. CDMG estimates aggregate demand will be two and two-thirds times as large as permitted reserves by the year 2044.

The Soledad Canyon area has been an important source of commercial sand and gravel since the 1960s. The area was officially classified by the State of California as a "A Regionally Significant Construction Aggregate Resource Area" in 1987 pursuant to the provisions of the California Surface Mining and Reclamation Act of 1975. The site has previously been zoned by the County of Los Angeles to permit mining and several sand and gravel mining or aggregate processing operations are currently being conducted close to the site. BLM's South Coast Resource Management Plan for this

area, finalized in 1994, also determined that continued aggregate mining was an appropriate land use activity in the Soledad Canyon area.

The FEIS considered eight alternatives described further in this ROD. The Reduced NFSA alternative with additional modifications was chosen because it permits the economic development of the Federal mineral resource with the least environmental impacts. BLM carefully considered all reasonable and practical means to minimize adverse environmental impacts to air quality, public health and safety, water resources, traffic congestion, noise, visual quality and wildlife, including listed threatened or endangered species as described further in this ROD.

Key provisions of the Reduced NFSA alternative, as modified in this decision, include:

- \$ A conveyor belt transport system has been added, which will decrease truck traffic, resulting in a significant reduction in PM-10 (air emissions).
- \$ The mine cut will be deeper, therefore allowing for additional storage at the mine site instead of the north fines storage area.
- \$ Fines (mine waste) will not be stored on the north side of the mountain until year 15 of the contract period instead of year one as originally proposed.
- \$ There will be a 50 percent reduction of fines in north fines storage area.
- \$ The ridgeline reduction that will occur as a result of mining will be 80 to 150 feet instead of the 120-230 feet presented in the original proposal.

Because of the size of the Soledad Canyon Project, the complexity of the regulatory network in Los Angeles County and California, and the public concerns raised about the environmental impacts of this project, implementation of the Mitigation and Monitoring Program described further in this ROD and in the FEIS will include an independent compliance tracking system and periodic monitoring reports which will be developed by BLM in coordination with TMC and the appropriate permitting agencies.

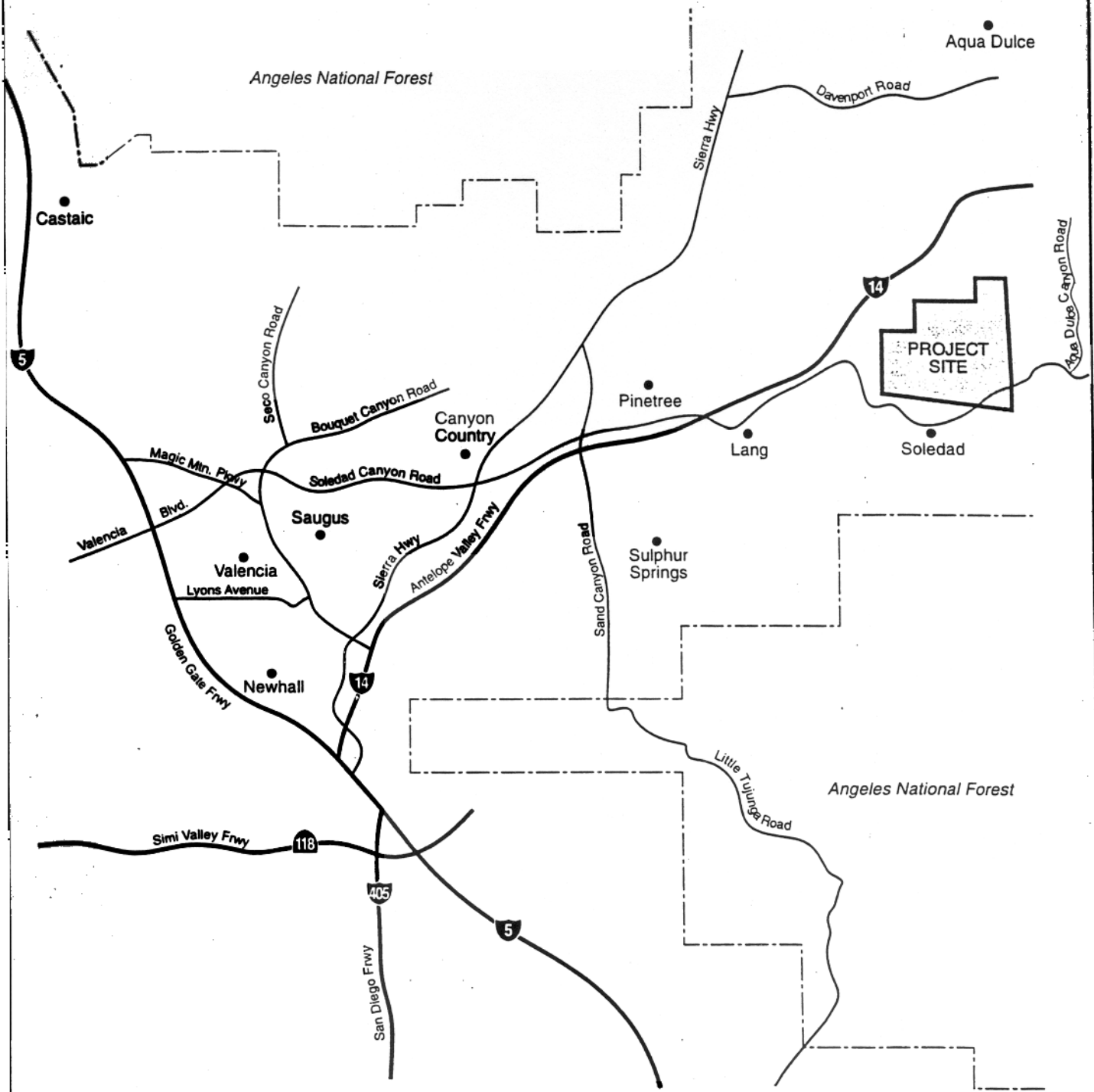
During the environmental review process, which included publication of a Draft EIS (May 6, 1999) and a Supplement to the Draft EIS (November 17, 1999), the combined public comment periods provided for eight months of public review. All public comments received on these two documents were carefully analyzed and BLM's responses are included in the FEIS. Comments received by the Los Angeles County Planning Commission as part of the State's separate California Environmental Quality Act (CEQA) process regarding this project are also included in the FEIS with official responses to the issues raised.

Finally, as part of the NEPA review process, BLM coordinated and consulted with the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the South Coast Air Quality Management District, the Southern California Association of Governments, the Governor's Office of Planning and Research, the California Department of Conservation Division of Mines and Geology, the California Department of Transportation, and the State Water Quality Control

Board. In addition, BLM and the County of Los Angeles coordinated in the preparation of their respective NEPA and CEQA documents.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations Part 4. Additional information on the appeals process is provided further in this ROD.

Additional information on this decision can be obtained from BLM's Palm Springs/South Coast Field Office, 690 W. Garnet Avenue, P.O. Box 1260, North Palm Springs, California, 92258, telephone 760-251-4800.



LOCAL SETTING
Figure 1

DECISION

BLM approves the following:

1. Reduced North Fines Storage Area alternative as described in section 2.4.2 and 3.2.14 of the FEIS with conveyor system mitigation measure AQ3.
2. Mining reclamation plan as described in section 2.2 of the FEIS.
3. Mitigation and Monitoring Program included in Appendix A of this document. All practical means to avoid or minimize environmental harm have been adopted.
4. Incorporation of the terms and conditions prescribed by USFWS in the Biological Opinion attached as Appendix C of this document.
5. Incorporation by reference of the requirements identified in the Habitat Protection Plan included in the FEIS Technical Appendices F6.

Conditions of the approval

As a condition of approval, TMC is required to comply with all of the provisions cited above (1-5) as well as the provisions relating to the additional agency approvals and reviews, contract compliance, monitoring requirements, and bonding requirements discussed further below.

1. Compliance with other agencies' regulatory requirements

TMC must consult with and obtain approvals from the regulatory agencies listed in Table 1 on the following page, and obtain any other permits or authorizations required by law. These agencies may require additional environmental analyses before granting any permits.

Table 1: Additional Agency Approvals and Reviews

AGENCY	APPROVAL or REVIEW
County of Los Angeles	<ul style="list-style-type: none"> - Surface Mining Permit - Reclamation Plan & Financial Assurance - Building Permits - Code Compliance - CEQA Compliance
Los Angeles County Department of Health, Local Enforcement Agency	<ul style="list-style-type: none"> - Hazardous Materials Handler Permit
California Department of Conservation, Division of Mines and Geology	<ul style="list-style-type: none"> - Review Surface Mining & Reclamation Plan - Review of Financial Assurance
California Regional Water Quality Control Board - Los Angeles Region	<ul style="list-style-type: none"> - General Industrial Activities Stormwater Permit pursuant to the National Pollutant Discharge Elimination System - Section 401 Water Quality Certification
California State Water Resources Control Board	<ul style="list-style-type: none"> - Permit to Appropriate Water
South Coast Air Quality Management District	<ul style="list-style-type: none"> - Permits for Fueling and Maintenance Facilities, Equipment Operations, Dust Emissions Discharge
U.S. Department of the Army, Corps of Engineers	<ul style="list-style-type: none"> - Section 404 Clean Water Act Permit
California Department of Fish and Game	<ul style="list-style-type: none"> - Section 1603 Stream/Lake Alteration Permit
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> - Biological Opinion

2. Terms of the contracts

Compliance with the terms and stipulations listed in the two contracts BLM awarded to TMC by competitive bid on March 9, 1990 (Contract No. CA-22901 and Contract No. CA-20139) is required. Copies of the two TMC contracts are provided in Appendix B. As part of the contracts granting TMC the right to produce 56.1 million tons of Federally-owned sand and gravel, TMC is required to pay the Federal government a minimum of \$28 million in royalties. Seventy-six (76) percent of the royalties (\$21.28 million) will go to the Federal Land and Reclamation Fund, 20 percent (\$5.6 million) to the Federal treasury, and four percent (\$1.12 million) to the State of California, of which half (\$560,000) will go to the County of Los Angeles

3. Monitoring Requirements

Because of the size of the Soledad Canyon Project, the complexity of the regulatory network in Los Angeles County and California, and the public concerns raised about the environmental impacts of this project, implementation of the Mitigation and Monitoring Program described above and in the FEIS will include provision for an independent compliance tracking system and periodic monitoring reports to be developed in coordination with TMC and the appropriate permitting agencies.

4. Bonding Requirements

In accordance with Federal, State and County regulations and policy, TMC is required to provide financial assurances that reclamation of mining sites will occur. Federal regulations require that a performance bond amounting to 20 percent of the contract value be deposited with the BLM. In this case, the first Federal contract value (for the first phase of the project) is equal to \$7 million. The required bond amount is calculated as \$7 million x .20 = \$1.4 million, which is the penal sum of bond 526-09-34. Moreover, in accordance with the Memorandum of Understanding (MOU) entered into by the State of California and the BLM, the State of California has agreed that "Any federally required financial assurance may be used to satisfy local and State surety requirements" (California Department of Conservation - Division of Mines and Geology, et al. 1992). In accordance with the MOU, the State of California has already agreed that the Performance and Reclamation Bond submitted by TMC to the BLM with regard to this project (Bond Number 526-09-34) may be used to satisfy State of California and County requirements for the financial assurance of the Reclamation Plan; however, the County has the authority to require additional bonding if deemed necessary. This bond was submitted to the BLM in March 1990. Subsequently, in April 1992, a co-obligee rider was attached to and became a part of Bond 526-09-34, naming the State Mining and Geology Board and the County as additional obligees. In April 1992, this rider was acknowledged and accepted by the BLM authorized officer and was submitted by TMC to the County with a request that the County submit the bond to the State for review and approval.

ALTERNATIVES CONSIDERED

Alternatives Analyzed in Detail

Eight alternatives were considered in detail in the FEIS. These alternatives are summarized below.

1. TMC's Proposed Action

TMC's proposed mining plan would have extracted a total of 83 million tons of material, and produced approximately 56.1 million tons of sand and gravel over a 20-year period. The proposed action included plans to operate a concrete batch plant producing ready-mixed concrete and to deliver ready-mixed concrete to the local markets within the greater Los Angeles area.

2. Reduced North Fines Storage Area Alternative

Under this alternative, the volume and area of the NFSA will be reduced by using a different approach to the mining cut sequence than the proposed action. This approach will result in a 50 percent reduction of fines into the NFSA. The ridgeline reduction will be 80-150 feet as compared to 120-230 feet in the proposed action. The total product shipped will remain at 56.1 million tons. All other aspects of the operation and reclamation plans will remain as described for the proposed action. This alternative, with the addition of a conveyor belt system mitigation measure which will reduce PM-10 (air quality) emissions, was identified in the FEIS as the agency's preferred alternative.

3. Batch Plant Location Alternative

This alternative examined locating the batch plant near Lang Station adjacent to the intersection of Soledad Canyon Road and the Antelope Valley Freeway. This would have required delivering aggregate to the plant by trucks.

4. Reclaimed Water Alternative

This alternative considered use of other water sources such as reclaimed water. The nearest existing potential sources of reclaimed water that could serve the project are County wastewater treatment plants located in Palmdale, Saugus, and Valencia. Presently, no large-scale reclaimed water systems are known to be available in the Santa Clarita Valley.

5. Product Transportation Alternative

This alternative considered construction of a conveyor system, loading facility and rail spur to an existing rail line south of the project site. The conveyor system would have been constructed to go under Soledad Canyon Road to the loading facility for transporting aggregate product from the site to the Los Angeles market.

6. Alternative North Fines Storage Area Alternative

This alternative considered an alternate NFSA immediately north of the proposed project fines storage site and adjacent to the Antelope Valley Freeway. This alternative had the objective of providing the required fines storage area with potentially less impact on possible future uses in Bee Canyon. All other mining operations would have remained the same as those of the proposed action.

7. Reduced Quantity Mining Concept Alternative

Under this alternative, mining activity would have progressed in a manner similar to the proposed action except that mining activity would have been curtailed after completion of up to 50 percent of Cut 3, which would have avoided the lowering of the northeast-southwest ridgeline that occurs through the completion of Cuts 3 and 4 of the proposed mining plan. This alternative involved mining 47 million tons of material to produce 32 million tons of sand and gravel, significantly lower than the contract amount.

8. No Action Alternative

With this alternative, no mining and reclamation plan would be approved at this time. Since the surface is privately owned, the property may be used for other purposes, but not for sand and gravel mining of the Federal resources. In its current state, there is an existing quarry as well as stockpiles at the project site. The no action alternative is the environmentally preferable alternative.

Alternatives Considered but Eliminated from Detailed Analysis

Several other alternatives were considered during scoping which were not analyzed in detail in the EIS because they were not feasible. These are summarized below.

Nine alternative potential mining sites were considered as sources of sand and gravel prior to selection of the Soledad Canyon site. Two potential mining sites north of Redlands in western San Bernardino County were dropped from consideration due to the presence of threatened and endangered species in the mining area and designation of the area by BLM as an Area of Critical Environmental Concern. Two sites near Corona in northern Riverside County were rejected due to presence of threatened and endangered species, and high royalty requirements relative to low material quality. Two sites in southern Orange County off Ortega Highway were dropped from consideration because of questionable material quality, impacts to sensitive habitats, and excessive distance from the primary target market, resulting in high hauling costs and excessive air quality impacts. A site near the town of Littlerock in Antelope Valley was determined infeasible also due to excessive distance from the primary target market. The Moorpark site in Ventura County is owned by TMC and was considered as an alternative; however, this site contains a high amount of sand (88 percent) and could not produce enough gravel without excessive mining to supply the primary target market. One

mining site in the Angeles National Forest was considered and then dropped from detailed analysis due to low material quality and lack of access.

Another mining concept considered production of 170 million tons of sand and gravel versus 56 million tons, by mining the entire ridge from the top down. Adverse impacts to most resources would have been incrementally greater than the 56 million ton alternative.

Another alternative proposed disposing of the excess fines at regional landfills rather than onsite. However, this would have resulted in significant impacts to public services since most landfills are near capacity and do not need fill material. Also, the impact of hauling fines to landfills on air quality and traffic would have been substantially greater, and was not considered economically feasible.

MANAGEMENT CONSIDERATIONS

After close examination of the findings of the analysis and the results of public review, and after consultation with other agencies and local governments, the Reduced North Fines Storage Area (NFSA) alternative, as modified, was selected because it provides for the economic development of an important mineral resource while reducing identified environmental impacts to an acceptable level. Mitigation measures have been adopted to ensure that all reasonable means to avoid or reduce environmental harm have been incorporated into the project as approved by this decision. This decision is consistent with the BLM's South Coast Resource Management Plan (1994), as well as Los Angeles County's zoning for the area. A summary of management considerations which includes economic, environmental and administrative factors considered is presented below.

Soledad Canyon has been an important commercial supply of minerals since the 1960's. The area is designated by the State and zoned by Los Angeles County for sand and gravel extraction and processing. Since the 1960's the area has supplied high quality mineral commodities for the Los Angeles market. Moreover, these mineral resources are extremely valuable since the market is located close to the production area, significantly reducing haul costs and air emissions.

The Soledad Canyon mining site is considered suitable for mineral extraction. The area is considered suitable for mineral extraction activities because it will:

- \$ Provide a reliable and economically sound source of construction minerals primarily for development within the Santa Clarita Valley and the greater Los Angeles area.
- \$ Develop a source of ready-mixed concrete for the Santa Clarita Valley.
- \$ Develop construction mineral reserves in an area designated as a "Regionally Significant Construction Aggregate Area" by the State of California.
- \$ Provide a minimum of \$28 million in royalty payments to the Federal government, with a portion to be shared with the State of California and Los Angeles County.
- \$ Be located within a historic mining area.

Project helps meet aggregate supply need. The California Division of Mines and Geology (CDMG) in a 1994 Mineral Land Classification Report and in a 1999 Los Angeles Aggregate Resources Study estimates that:

- \$ Current permitted reserves in the San Fernando Production-Consumption Region will be depleted by year 2001.
- \$ Current permitted reserves in Los Angeles County will be depleted by year 2016.

- \$ Authorizing the project as approved will help meet growing demand for aggregate in the local area and region. CDMG estimates aggregate demand will be two and two-thirds times as large as permitted reserves by the year 2044.
- \$ In 1997, 36 millions tons of aggregate were utilized in Los Angeles County (approximately 2.5 tons per person)
- \$ 50 percent of all aggregate produced is for public works projects and is paid for using tax dollars.
- \$ The average cost of a ton of aggregate doubles when hauled a distance of 35 miles.
- \$ It takes as much as 200,000 tons of aggregate to build one mile of a eight-lane highway.

Considering these depletion rates and expected demand, if this project were not approved, these materials would have to come from more distant sources. This would increase the cost to taxpayers by as much as an additional \$3 to \$4 a ton in transportation cost and possibly even more due a decrease in supply. Therefore, additional taxpayer cost to use more distant sources would be \$75 to \$100 million dollars over the 20-year life of the project. A similar cost increase would accrue to private customers using sand and gravel resources.

The approximate time to bring a mine on line is six to nine years. The cost and time requirements of opening a new mine continue to increase. At a consumption rate of 36 million tons annually in Los Angeles County, the aggregate source at Soledad Canyon will help in preventing material shortages in the near future and will hold down construction cost for Los Angeles County public works projects.

Project as approved is in conformance with BLM land use plan. In accordance with Title 43 Code of Federal Regulations Part 1610.5-3, the project as approved is in conformance with the BLM's South Coast Resource Management Plan (June 1994). On page 16, the plan states: "Unless specifically prohibited by existing or future withdrawal, BLM split estate lands are available for mineral material sales." No withdrawals are proposed or in effect in the project area.

Land use is consistent with State and County plans. The project site is located in a "Regionally Significant Construction Aggregate Resource Area," designated by the California State Mining and Geology Board per the Surface Mining and Reclamation Act of 1975 (SMARA). The project site is zoned M-2 for heavy manufacturing by the County. Mineral extraction is a permitted use for sites zoned M-2.

While the Los Angeles County Planning Commission voted on December 1, 1999 to deny TMC's permit request, that decision has been appealed to the Los Angeles County Board of Supervisors. As of the date of this ROD, no final determination on the project has been made by Los Angeles County.

Air quality impacts are in conformance with Federal and State standards. The project as approved conforms with all applicable local, State and Federal laws, regulations and statutes pertaining to air quality. Notice of the final conformity determination was made to the applicable agencies and to the public on June 21, 2000. Both the South Coast Air Quality Management District and the Southern California Association of Governments (SCAG) concurred that the conformity determination was appropriate and that the project was consistent with the population and growth projections developed by SCAG and used in the 1994 State Implementation Plan and 1997 Air Quality Management Plan. On July 11, 2000, the U.S. Environmental Protection Agency also reviewed and concurred with BLM's final conformity determination for this project.

The project as approved includes a series of mitigation measures, based on modeling conducted in coordination with the South Coast Air Quality Management District, which reduce air quality impacts per National Ambient Air Quality Standards (NAAQS). Emissions below the NAAQS are considered safe, providing an adequate margin of safety to protect the public health and welfare, including risks associated with dust-induced respiratory ailments, specifically, Valley Fever, asthma, silicosis, and conjunctivitis.

Furthermore, BLM consulted with the Valley Fever Center for Excellence, located in Tucson, Arizona to determine relative risk of the Project site as a contributor to Valley Fever. It was concluded that this risk is low because the project is located largely in an area of previous disturbance and a relatively small amount of topsoil will be disturbed. Moreover, the project is located on the south side of the ridge, which receives strong, direct sunshine that destroys the viability of Valley Fever spores in topsoil.

Mitigation measures to reduce air quality impacts include minimizing truck idling, using a covered conveyor system to transport fines and minimize the use of trucks, watering at the site, using chemical dust suppressants, using reformulated, low-emission diesel fuel, and several others as specified in this ROD under Appendix A, Mitigation and Monitoring Program.

Public health and safety are protected. Although mining has occurred in Soledad Canyon since the 1960's, land use in the area has been changing over the past 10 years to accommodate increased suburban housing development. Of primary concern for BLM was whether or not a reasonable mining and reclamation plan could be developed without significantly affecting the health and safety of the current and future residents. Based on coordination and fact-finding with agencies and organizations including the South Coast Air Quality Management District, the U.S. Environmental Protection Agency, the SCAG, and the Valley Fever Center for Excellence, the project as approved, provides the best option for avoiding significant effects to the health and safety of the local residents, while still developing a valuable mineral resource.

In order to further minimize any potential hazards to public health and safety, a number of mitigation measures will be implemented, including: 1) Public access will be restricted to reduce potential for accidents by a) fencing the active mining area and posting signs restricting access to the project site, and b) installing a gate to the facility to control public access; 2) Strict compliance with all regulations and requirements of the Office of Safety and Health Administration, the Mine Safety and Health Administration, all applicable County 1994 Uniform Fire codes, and other applicable safety regulations and emergency plans; and 3) TMC will not remove topsoil on high wind days.

Water resources are protected. TMC has secured legal rights to utilize water from the alluvial aquifer of the Santa Clara River south of the project site to support the mining project. TMC has entered into a lease agreement with C.A. Rasmussen Co. allowing TMC to utilize Rasmussen's riparian rights to water. There are existing wells on the Rasmussen property that have been used to extract water in accordance with Rasmussen's riparian rights. TMC has also applied to the State Water Quality Control Board for a permit to appropriate additional water from the Santa Clara River.

A jurisdictional analysis of the project site by the U.S. Army Corps of Engineers (USACE) was requested by BLM on July 14, 2000 to ensure compliance with the Clean Water Act. The USACE concluded that the project would require a Section 404 permit, due to the presence of at least two small, unnamed ephemeral/intermittent streams which exhibit physical evidence of seasonal storm flow. Further discussions between BLM and the USACE concluded that the potential impacts to waters of the U.S. are not likely to be significant; therefore an EIS is not required for Section 404 review. In total, approximately half an acre of U.S. waters would be disturbed. Moreover, the FEIS concludes that no wetlands occur in the mining operation area and potential significant impacts to water quality will be avoided.

Traffic impacts are minimized. Overall, the project as approved will generate 347 trucks making round trips from and to the site each day in the first 10 years, and increasing to 582 trucks in the second 10 years. During morning and afternoon peak traffic hours in the second 10 years of mining, 43 and 24 truck roundtrips to the Antelope Valley Freeway would be generated, respectively. These volumes are well below the 150 peak hour trip criteria per County guidelines from the 1997 Los Angeles County Traffic Impact Analysis Guidelines (Department of Public Works) and the Los Angeles Congestion Management Program, indicating that the project would not significantly impact the freeway system. Currently, the California Department of Transportation estimates there are 76,000 average daily trips on the Antelope Valley Freeway during a typical workday. The project (using the highest number of trucks estimated and factoring in the impacts of trucks vs. passenger vehicles) would increase this volume by about 1.5 percent. Traffic additions to freeways beyond the Antelope Valley Freeway as a result of the project would be less than in the immediate area, and are therefore also well below the Los Angeles CMP impact thresholds.

Adverse impacts to threatened and endangered species and their habitat minimized. Consistent with the Biological Opinion (BO) for this project (FWS #1-8-96-41), a BLM-approved Habitat Protection Plan outlines mitigation measures and a monitoring program to protect sensitive ecological habitats in the project vicinity, including unarmored threespine stickleback habitat (UTS; *Gasterosteus aculeatus williamsoni*). Specifically, TMC must cease or curtail water extraction if two of four action levels are exceeded. These action levels include water temperature, oxygen level, stream depth and stream flow. In addition, TMC will be bound by permit conditions of its SWRCB permit to appropriate water, as well as the terms of the Water Shortage Contingency Plan submitted to the SWRCB Division of Water Rights.

In addition, several recent listings and critical habitat proposals or designations have been made since the BO was issued. Descriptions of those listings and designations and their relationship to the project follow.

The Santa Ana sucker, which was federally listed as threatened on April 12, 2000, occurs in various locations along the Santa Clara River upstream from River's End Trailer Park, which is at the west end of the proposed mining site. The Santa Clara River population was excluded from the Federal listing because it is considered to be an introduced population. Therefore, the provisions of Section 7 of the Endangered Species Act are not applicable to this population.

The coastal California gnatcatcher was listed as an endangered species on March 30, 1993, and 15 critical habitat units were proposed for this species on February 7, 2000. There are no known occurrences of the coastal California gnatcatcher on the project site and it is considered to have low potential for supporting this species. The nearest proposed critical habitat unit is approximately two miles from the project site. BLM has therefore determined that the activities associated with the Soledad Canyon mining project will have no effect on the coastal California gnatcatcher or its proposed critical habitat.

The arroyo southwestern toad was listed as an endangered species on December 16, 1994, and 21 critical habitat units were proposed for this species on February 16, 2000. There are no known occurrences of the arroyo southwestern toad on the project site. The closest proposed critical habitat unit is the upper Santa Clara River unit, which includes a reach of the Santa Clara River from Bee Canyon downstream to the confluence with Castaic Creek. The proposed upper Santa Clara River critical habitat unit is more than one mile downstream from the project site. Because of the measures prescribed in FWS #1-8-96-F-41 to maintain water quality and quantity in the immediate vicinity of the project site, BLM has determined that the activities associated with the Soledad Canyon mining project will not destroy or adversely modify proposed critical habitat for the arroyo southwestern toad.

The Southern California Evolutionarily Significant Unit (ESU) of steelhead was listed as an endangered species on August 18, 2000, and critical habitat was designated for this

ESU on February 16, 2000. Six hydrologic units were designated as critical habitat for the Southern California ESU, including one (Hydrologic Unit #18070102) for the Santa Clara River system. Primary constituent elements for the designated critical habitat include: spawning sites, food resources, water quality and quantity, and riparian vegetation.

The nearest known occurrence of steelhead in the Santa Clara River system is more than 30 miles downstream from the project site in Ventura County. Because of the long distance between the nearest occupied habitat and the project site, the intermittent nature of the Santa Clara River downstream from the project site (the riverbed is dry for several months of the year from Mint Canyon to Interstate 5), and the measures prescribed in FWS #1-8-96-F-41 to maintain water quality and quantity in the immediate vicinity of the project site, BLM has determined that the activities associated with the Soledad Canyon mining project will have no effect on the Southern California steelhead ESU or its designated critical habitat.

Blasting impacts are minimized. In order to efficiently excavate the tightly compacted sand and gravel conglomerate, a program of low-yield blasting will be implemented to loosen the material. Commentators raised concerns about blasting impacts.

The effects and characteristics of blasting have been studied by various researchers and governmental agencies, and standards have been established to limit the effects that blasting may have on surrounding areas. The three main effects that potentially result from blasting include ground vibration, airblast and flyrock. The Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) addresses these aspects in regulations developed to provide adequate protection to receptors. Due to the placement of charges underground, and the brief duration of the blast, blasting events will not significantly raise the community noise equivalent level. Overall, blasting noise impacts will be minimal.

Analyses presented in the FEIS concluded that blast induced ground vibrations are well below the vibration significance criteria, resulting in an impact that would not damage residential structures. However, TMC will be required to conduct a public awareness program that notifies local residences and businesses within a half mile of the blast of the blasting schedule and other facets related to blasting.

Compliance with OSMRE standards for blasting operations will provide adequate protection to receptors from airblast and flyrock. The intervening ridgeline at the project site will also substantially minimize any airblast impacts. Compliance with the OSMRE standards will reduce potentially significant impacts to less than significant, and is required as a condition of approval for this Project by BLM.

Visual impacts are reduced. The project as approved will reduce significant visual impacts by requiring mitigation measures that will result in the ridgeline being lowered by 80-150 feet rather than 120-230 feet as in the original proposed action. Mitigation measures such as 1) concurrent reclamation/revegetation, and 2) recontouring to mimic existing topography, will help to reduce and minimize these impacts. The visual impact of lowering the local ridge line is not mitigable to less than significant; however after reclamation over time, these mitigation measures will help to reduce the significance of these impacts. An additional mitigation measures includes the use of specially designed lighting systems to direct lights to specific areas, thus preventing stray lighting from spilling onto surrounding areas or upward.

Cultural resources and historic properties avoided. The project site was surveyed in compliance with BLM Class III level standards CEQA, and a report was subsequently produced by Roderic McLean in 1990 titled "A Cultural Resource Assessment of a 460-Acre Parcel in Soledad Canyon, California" published in Santa Ana, California by Chambers Group Inc. The report identified and recorded two historic period archaeological sites. One site was determined to be outside the area of potential effect, and a determination of eligibility is not required. The other site is located within the area of potential effect. Upon review of the information contained in the report, BLM concluded that no associative values were identified in the cultural resources study, and the informative values are considered limited and not significant. This site was determined to be not eligible for the National Register of Historic Places. Therefore, the BLM determines that there will be no historic properties affected by this project (See Appendix D).

PUBLIC INVOLVEMENT

Opportunities for Public Participation

The BLM made a diligent effort to involve the public throughout the environmental review process. The public was formally notified of BLM's intent to prepare an Environmental Impact Statement (EIS) for the proposed Soledad Canyon sand and gravel mining Project on October 16, 1995 when notice was published in the *Federal Register*. A BLM news release was also issued to local media organizations on October 25, 1995. Following identification of issues during the public scoping process, consultation with appropriate agencies, and gathering of detailed resource data, preparation of the Draft EIS was initiated.

On May 6, 1999, BLM published the draft EIS on the proposed mining and reclamation plan filed by TMC. That publication initiated a 60-day public comment period through July 5, 1999, which was later extended in response to public requests until September 13, 1999 to coincide with the closing of the County's public comment period. The County's comment period was conducted based on a separate draft Environmental Impact Report (EIR) which was prepared in accordance with the CEQA.

During the Federal public comment period, BLM held two public hearings on June 2, 1999 at Sulphur Springs Elementary School in Canyon Country, California. The testimony received at these public hearings was recorded and transcribed. Those transcriptions, along with BLM's responses to the issues raised through public comment, are included in the final EIS.

After careful review of these comments, BLM decided to prepare and publish a supplemental draft EIS to further analyze issues raised by the public, particularly air quality impacts, and to analyze a new mitigation measure to transport fines material to an onsite storage area via a conveyor belt system rather than open trucks as originally proposed. During the preparation of the supplement, BLM extended the public comment period on the draft EIS until the supplement was published and underwent full public review. That supplement was completed and published November 17, 1999, and BLM accepted public comments on both the supplement and draft EIS until January 10, 2000. All comments received on both documents were printed in the final EIS, along with BLM's responses to each issue raised.

BLM also included in the final EIS all public comment letters received during the public comment period of the draft EIR, and the transcripts of public hearings held by the Los Angeles Planning Commission on April 21, 1999, May 11, 1999, July 14, 1999, and September 22, 1999.

The final EIS included BLM's official response to each public land issue raised through the County's EIR process. The final EIS was published on June 2, 2000.

Subsequent to publication of the final EIS, BLM received a number of additional comments from private citizens, local organizations, and other government entities. No significant new issues or information were identified that would require preparation of a supplemental EIS. These comments addressed BLM's coordination with other Federal, State, and local governments and the administrative appeal process. Clarification of these matters is provided below.

Interagency Coordination

As part of the environmental review process, BLM coordinated with the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency (EPA), the South Coast Air Quality Management District, and the Southern California Association of Governments (SCAG). SCAG concluded that the final EIS appropriately considered its comments on the draft EIS and had no further comments. SCAG also noted that the final EIS was regionally significant per Areawide Clearinghouse criteria and published a description of the Project in the June 15, 2000 Intergovernmental Review Report. EPA concurs with BLM's conformity determination and cited prior letters from SCAG and the South Coast Air Quality Management District. BLM consulted with Army Corps, resulting in a determination that the project is subject to Army Corps' jurisdiction and that a 404 permit would be required.

Coordination with County of Los Angeles

BLM and the County of Los Angeles coordinated during preparation of their respective environmental review documents. The County's draft EIR and BLM's draft EIS were released concurrently for public review. BLM extended the public comment period on the draft EIS to coincide with the County's deadline for comments on their EIR of September 13, 1999. BLM extended the deadline again until January 10, 2000 upon issuance of the supplement. The final EIS included all public comments received on the draft EIR and as well as the draft EIS and supplement. This includes all oral comments received at the Los Angeles County Regional Planning Commission hearings and the BLM public meeting held on June 2, 1999. Los Angeles County has not made a final decision on the project, and the matter is currently pending before the Los Angeles County Board of Supervisors.

ADMINISTRATIVE APPEALS PROCESS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations, Part 4.

Notice of appeal

A notice of appeal must be filed with the BLM's California Desert District Office, 6221 Box Springs Boulevard, Riverside, California, 92507 within 30 days from the date public notice of this decision is published in the *Federal Register*. A copy of the notice must also be filed with the Office of the Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825.

An appellant has the option of filing the statement of reasons together with the notice of appeal or filing a separate statement of reasons for appealing within 30 days as described further below.

The appellant has the burden of showing that the Federal decision is in error.

Petition for a stay

If any appellant wishes to file a petition for a stay (suspension) of the effectiveness of this decision during the time the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, § 4.21 of Title 43, Code of Federal Regulations, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to the Interior Board of Land Appeals, Office of the Secretary, 4015 Wilson Boulevard, Arlington, Virginia 22203 and the Office of the Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825 at the same time the original documents are filed with the BLM's California Desert District Office cited above.

If the appellant requests a stay, he or she has the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: 1). The relative harm to the parties if the stay is granted or denied; 2). The likelihood of the appellant's case succeeding on the merits; 3). The likelihood of immediate and irreparable harm if the stay is not granted; and 4). Whether the public interest favors granting the stay.

Statement of reasons

If an appellant chooses not to provide his or her reasons for appealing at the time the notice of appeal is filed as explained above, a statement of reasons must be filed with the Interior Board of Land Appeals within 30 days after filing the notice of appeal. A copy of the statement of reasons must also be filed with the Office of the Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825. If the appellant fully stated his or her reasons for appealing when filing the notice of appeal, no additional statement is necessary.

APPENDICES

Appendix A

Mitigation and Monitoring Program

Appendix B

Contracts for the Sale of Units of Materials

Appendix C

Biological Opinion for Transit Mixed Concrete's Application to Mine Sand and Gravel
in Soledad Canyon, Los Angeles County, CA

Appendix D

Findings and Determinations for Historic Properties